

Portia Edens HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER August 9, 2005
Indianapolis, IN

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION)
)
) Civil Action No.
) 01CV12257-PBS
)
)

DEPOSITION
of PORTIA EDENS

Taken at the
Adam's Mark Hotel
Indianapolis Airport
Indianapolis, Indiana
on August 9, 2005, at 10:00 a.m.
Reported by: Cindy L. Knecht, RMR/CRR

Henderson Legal Services
(202) 220-4158

f6f7679e-8bbc-4c05-b51b-fd0422abc22c

Portia Edens HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER August 9, 2005
Indianapolis, IN

Page 24

1 pharmacy, reimbursement being what third
2 parties may reimburse --

3 A. Like amounts, or are we talking -- I
4 provided like coding information.

5 Q. Provide coding information?

6 A. Uh-huh.

7 Q. And in connection with what kind of
8 reimbursement programs?

9 A. It would be Medicare.

10 Q. Have you ever provided Dr. Aziz's
11 pharmacy with any information regarding
12 reimbursement issues relative to Medicaid or
13 any private third-party payers?

14 A. Not that I can recall.

15 Q. What kind of information would you
16 provide concerning Medicare reimbursement to
17 Dr. Aziz's pharmacy?

18 A. A J code for particular drug.

19 Q. Would you ever provide the actual
20 numbers or what the dollar numbers were for
21 reimbursement under Medicare for any
22 Schering-Plough product?

Portia Edens HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER August 9, 2005
Indianapolis, IN

Page 25

1 A. Not that I can recall. Definitely
2 not a common practice, no.

3 Q. I understand your answer is not a
4 common practice, but outside of the common
5 practice did you ever provide any
6 reimbursement dollar amounts to Dr. Aziz's
7 pharmacy?

8 MR. BAUGHMAN: Object to the form.

9 A. Not that I can recall.

10 Q. Have you ever provided any
11 comparisons of dollar reimbursements under
12 Medicare or any other program to Dr. Aziz or
13 any other pharmacy?

14 A. No.

15 Q. I just want to kind of make sure I
16 understand that with regard to the specialty
17 pharmacies that you've identified, Dr. Aziz
18 and the William Brothers, that your
19 testimony is that you've never provided any
20 pricing or reimbursement dollar numbers to
21 those pharmacies?

22 MR. BAUGHMAN: Object to the form.

Portia Edens HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER August 9, 2005
Indianapolis, IN

Page 26

1 A. Not that I recall.

2 Q. I'm sorry?

3 A. Not that I recall.

4 Q. Now, in connection with your
5 preparation for today's deposition did you
6 review any documents?

7 MR. BAUGHMAN: If you're concerned
8 about a privilege issue, I'm going to allow
9 you to answer that as a yes or no question,
10 which is how I understand it to be.

11 BY MR. MCNEELY

12 Q. It's a yes or no question.

13 A. Yes.

14 Q. And what is the nature of the
15 documents that you reviewed in preparation
16 for your deposition today?

17 MR. BAUGHMAN: Object and instruct
18 you not to answer, basis of attorney/client
19 privilege and work product protection.

20 Q. How many documents did you review in
21 preparation for your deposition today?

22 A. I believe two.

Portia Edens HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER August 9, 2005
Indianapolis, IN

Page 27

1 Q. Did you review any of the
2 depositions that have been taken of other
3 sales reps in this matter?

4 A. No.

5 Q. Did you review summaries of those
6 depositions?

7 A. No.

8 Q. Now, were those documents that you
9 described, the two documents, those were
10 given to you by your attorney?

11 A. Yes.

12 Q. Other than the documents given to
13 you by your attorney for review, did you
14 review any other documents on your own that
15 you may have had in your own personal
16 records?

17 A. In preparation for this?

18 Q. Yes, in preparation for this
19 deposition.

20 A. Yes.

21 Q. Okay. Tell me what documents you
22 reviewed in preparation for your testimony.